IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 231 OF 2000

SHRI MANOHAR GURUDAS NAIK(DEC) THROUGH LRS. ....Appellant

Versus

SHRI ANIL SITARAM NAIK & ANR. ....Respondent

Mr. V.G.P. Dukle, advocate for the appellants.
Mr. A. Kakodkar, advocate for the respondent no.1 & 2.
Mr. U. R. Timble, advocate for the respondent no.3.

Coram:- R. M. LODHA, J.

Date:- 21st September, 2005

P.C.

During the course of the hearing I suggested to the learned counsel for the respondent nos.1 and 2 that even if the finding of the Motor Accident Claims Tribunal is maintained that the vehicle (pick-up bearing registration no. GDS-6687) was not driven by respondent no.1 rashly and negligently in the manner alleged by the claimants, looking to the facts and circumstances of the case, the interest of justice demands that an amount of Rs.10,000/- is paid to the widow of the deceased claimant by way of ex gratia.

The learned counsel for the respondent nos.1 and 2 as well as the learned counsel for the respondent no.3 were not averse to the court's suggestion. The learned counsel for the appellants also agreed that the appellants would be satisfied if an ex gratia payment in the sum of Rs.10,000/- is made by the respondents.

In view thereof, the First Appeal is disposed of by the following Order:-

(i) The respondents no.1 to 3, jointly and severally shall pay an amount of Rs.10,000/- (rupees ten thousand only) to the appellant no.1 by way of ex gratia payment.

(ii) The respondent no.2 - National Insurance Company Limited, through its advocate undertakes to pay the aforesaid sum of Rs.10,000/- to the appellant no.1 within one month from today.

(iii) No costs.

R. M. LODHA, J.

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